



administrative remedies, as required by 42 U.S.C. § 1997e(a). Ponder alleged he was assaulted by correctional officers, but was unable to meet the prison's fifteen-day deadline for filing an administrative grievance because the officers twice threatened him not to tell anyone about the assaults.

A remedy that prison officials prevent a prisoner from utilizing is not "available" under section 1997e(a). See Miller v. Norris, 247 F.3d 736, 740 (8th Cir. 2001). We cannot determine on the record before us, however, whether or not the prison grievance process was available to Ponder. See Fouk v. Charrier, 262 F.3d 687, 698 (8th Cir. 2001). Accordingly, we remand to the district court for an evidentiary hearing on this issue. The district court may wish to appoint counsel to assist Ponder.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.